



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 200100038

Date: August 10, 2001

Comments Due: September 9, 2001

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In reply, please refer to the Public Notice Number

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## TO WHOM IT MAY CONCERN:

**SUBJECT:** Application for a Department of the Army permit under authority of Section 10 of the Rivers and Harbors Act to drive a total of 12 new pilings and retain 3 unauthorized pilings and associated moored vessels in Fishermans Cut, as shown in the attached drawings.

**APPLICANT:** Kenneth Headley  
790 Fourth Street  
Gilroy, California 95020

**LOCATION:** The project is located at Latitude 38, 25, 35.86 North, Longitude 121, 20, 25.07 West, on Bradford Island in Fishermans Cut, Contra Costa County, California.

**PROJECT DESCRIPTION:** The applicant is proposing to drive 12 new pilings and retain 3 existing pilings below the mean high water line of Fishermans Cut. The project would allow for the permanent mooring of 4 barges, including a floating home, a boat shed and miscellaneous boats or other vessels to the Bradford Island levee on Fishermans Cut. In addition 3 gangways are proposed to be installed from the vessels to the top of the levee.

**AREA DESCRIPTION:** The project is located on a rural island in the San Joaquin Delta. The island is accessible from the mainland by boat or ferry only. Based on the available information there are no existing marinas, waste disposal or potable water delivery facilities at or in the vicinity of the project site. The bank at the proposed project site consist of rip-rap with stands of emergent aquatic vegetation present at the waters edge and continuing down the slope of the levee into Fishermans Cut.

**ADDITIONAL INFORMATION:** Presently unknown cultural resources may be located in the permit area. The applicant has not provided any information concerning cultural resources.

The following threatened or endangered species may be present in the permit area; Central Valley spring run chinook salmon (*Oncorhynchus tshawytscha*), Sacramento River winter run chinook salmon (*Oncorhynchus tshawytscha*), Central Valley steelhead (*Oncorhynchus mykiss*), delta smelt (*Hypomeses transpacificus*), and Sacramento Splittail (*Pogonichthys macrolepidotus*). This project area is within federally designated critical habitat for several of these fish species.

The bank at the project site appears to contain some vegetated shallow water habitat. This project may affect these federally listed species and their critical habitat. The Corps has initiated consultation under Section 7 of the Endangered Species Act with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service for the proposed work.

Based on the available information the applicant has not applied for or received any other local, state or federal permits or authorizations for this work.

The District Engineer has made these determinations based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **September 9, 2001**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

If additional information is required, please contact the applicant, Kenneth Headley, telephone (408) 842 -5267, or his agent, Claus von Wendel, telephone (925) 684-3050, William Guthrie, at the letterhead address, telephone (916) 557-5269 or e-mail [wguthrie@spk.usace.army.mil](mailto:wguthrie@spk.usace.army.mil).

Michael J. Conrad, Jr.  
Colonel, Corps of Engineers  
District Engineer

Enclosures: 3 Drawing(s)